

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 04-_____
	:	
v.	:	DATE FILED: _____
	:	
DALETH JERMAINE MITCHELL,	:	
a/k/a "Andre Thomas"	:	VIOLATION:
	:	8 U.S.C. §§ 1326(a) and (b)(2)
	:	(reentry after deportation by
	:	aggravated felon - 1 count)
	:	Notice of prior conviction
	:	Notice of additional factors

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about February 13, 2001, at Philadelphia, in the Eastern District of Pennsylvania, defendant

DALETH JERMAINE MITCHELL,

an alien and a subject of Jamaica, who had previously been deported from the United States on or about May 13, 1994, was found in the United States, having knowingly and unlawfully re-entered the United States without first applying to the United States Attorney General or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), for permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Sections 1326(a) and (b)(2).

NOTICE OF PRIOR CONVICTION

THE GRAND JURY FURTHER CHARGES THAT:

Defendant **DALETH JERMAINE MITCHELL** committed the offense charged in Count One of this indictment after having been convicted of at least one aggravated felony, as that term is defined and used in 8 U.S.C. §§ 101(a)(43)(B) and 1326(b)(2), as follows:

On or about March 1, 1994, defendant **DALETH JERMAINE MITCHELL** was convicted in the Court of Common Pleas for Philadelphia, Pennsylvania of the offense of possession with intent to distribute a controlled substance, in violation of Article 35, Sections 780-113 and A16 of the Pennsylvania Criminal Code.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment, defendant DALETH JERMAINE MITCHELL committed the instant offense after he had been deported after a conviction for a felony drug trafficking offense for which the sentence imposed was greater than 13 months pursuant to U.S.S.G. §2L1.2(b)(1)(A).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney